

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)

Replacement of Part 90 by Part 88 to)
Revise the Private Land Mobile Radio)
Services and Modify the Policies)
Governing Them)

and)

Examination of Exclusivity and)
Frequency Assignment Policies of the)
Private land Mobile Radio Services)

PR Docket No. 92-235

COMMENTS ON ITA PROPOSAL OF
HEWLETT-PACKARD COMPANY

Hewlett-Packard Company ("HP"), by its attorneys, hereby submits these comments with respect to the proposed "blueprint" for frequency use submitted by the Industrial Telecommunications Association, Inc. ("ITA") as an ex parte presentation in this proceeding.¹

A. ITA'S PLAN FAILS TO PROTECT MEDICAL TELEMETRY OPERATIONS IN THE BAND.

HP opposes ITA's proposal, at least in its current form, because it does not protect low power critical care medical telemetry operations in the 450-470 MHz band. Hundreds of hospitals use tens of thousands of medical telemetry devices that operate on the former 12.5 kHz offset channels in this band to monitor electrocardiograph ("ECG") and other critical information on cardiac patients. These units play a vital role in allowing cardiac patients to become ambulatory within limited hospital areas, speeding their recovery and reducing the length of hospital stay and healthcare costs. In some hospitals, over 200 channels may be in use at any given time and, as hospitals consolidate, that number has been and is likely to increase.

The ITA proposal, if implemented, would make telemetry use in the band practically impossible, because such use cannot coexist with high power operations on the same or closely adjacent channels. Under the ITA proposal, most of the low power

¹ Public Notice, DA 97-206 (Jan. 28, 1997).

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offset channels in the Business Radio and other services previously restricted to low power use would now be available for high power operations. It would also appear that, except for itinerant use, low power operations would almost completely be excluded from the former Business Radio Service offsets, despite the fact that this is where medical telemetry currently operates. Further, on the limited number of channels that ITA would reserve for “low power” use, it would also permit operations of up to 5 or 20 watts (instead of the current maximum 2 watts). This would inevitably interfere with very low power, highly sensitive medical telemetry devices operating on the same or immediately adjacent frequencies, effectively making their use impossible.

B. OTHER ELEMENTS OF ITA’S PLAN ARE INCONSISTENT WITH SPECIAL CONCERNS ASSOCIATED WITH MEDICAL TELEMETRY USE.

From an initial examination,² there are other problematic elements as well regarding the details of the ITA blueprint. Some of these may reflect more of a need to fine tune the proposal rather than any major point of disagreement, but clarification is necessary. These concerns are as follows:

- Service Categories. It should be made clear that hospital and healthcare institutions (while falling within the proposed definition of “public safety services,” as providers of medical care) are also permitted to use frequencies allocated to the proposed “private wireless pool.” Indeed, most medical telemetry operations in the band occur on the former Business Radio Service offset channels that are proposed to be assigned that pool.
- Frequency Coordination. ITA’s proposal for frequency coordination should not extend to very low medical telemetry operations. Medical telemetry operations no longer require specific Commission authorization, see 47 C.F.R. § 90.267(a)(5), nor, as a consequence, frequency coordination. Experience under prior regulation demonstrated that such frequency coordination was ineffective and unnecessary because of the very low power involved.

² In the limited time available to comment on ITA’s blueprint, HP has not attempted to analyze fully the massive tables that have been produced, and confines its comments generally to the principles set forth by ITA in the text of its comments, which clearly must be resolved first.

- Protection for Low Power Outside of Major Urban Areas. A very low power zone should not be limited to select urban centers and their environs. Hospitals and cardiac patients are not so limited and, to facilitate their use and avoid interference from potentially wide area high power operations, the location of low power channels in the band should be made uniform whenever possible. If the reason for the limitation to specified urban centers is the perceived lesser demands for frequency outside of them, it should be easier to establish dedicated very low power zones in these areas, and this should be done.
- Application of Airport Restrictions. Simply as a clarification, the designation of certain channels near airports for low power medical telemetry use (fn. 38 in the ITA “blueprint”; fn. 53 in the Commission’s recent order responding to certain petitions for reconsideration or clarification³) should be clarified to state that the restrictions on near airport use do not prevent the use of the specified frequencies by hospitals and healthcare institution to operate very low power medical telemetry, as is otherwise permitted under the rules. The addition by the Commission of fn. 53 to these frequencies was clearly not intended to operate as a limitation on medical telemetry use of other channels. See Reconsideration Order of ¶ 64.
- Transition Plan. If medical telemetry or other users of the band (including higher power) are asked to relocate their frequencies, a transition plan must be developed to take into account, among other things, the availability of frequencies, the level of work, cost, and time associated with migrating existing units to other frequencies, etc. The details of such a plan, however, can only be developed once more fundamental questions of establishing a place for existing users to migrate are addressed.

C. A VERY LOW POWER ZONE NEEDS TO BE CREATED IN THE BAND.

To address the needs of medical telemetry, while at the same time creating new opportunities for higher-powered operations in the band, HP has outlined a proposal

³ Memorandum Opinion and Order, FCC 96-492, PR Docket 92-235 (released Dec. 30, 1996) (“Reconsideration Order”).

for the creation of a very low power region (<120 mw, with limitations on non-medical telemetry use within hospitals).⁴ HP believes such an approach, by creating and then migrating very low power operations to a portion of the band to be dedicated to very low power (and contemporaneously migrating higher-powered operations to locations outside of the dedicated low power region) would allow for a far more efficient use of the band than can possibly be achieved simply focusing on the extent to which the former offset channels and adjacent frequencies should be limited to low power operations.

D. AN INDUSTRY CONSENSUS PLAN HAS NOT BEEN DEVELOPED.

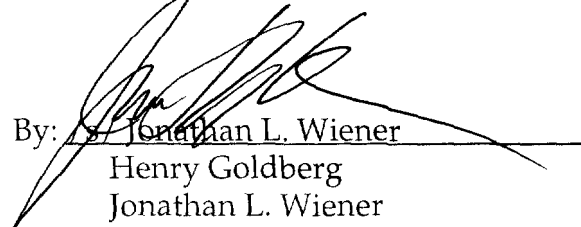
ITA's submission states that the Land Mobile Communications Council ("LMCC") has established a working group to consider low power issues. HP and another medical telemetry manufacturer, SpaceLabs Medical, Inc., have previously met with the LMCC, submitted and sought to discuss their proposals for addressing the issues of low power as they relate to medical telemetry, but have not been asked to take part in its recent working group activities. We stand ready to meet with LMCC (and other industry representatives) who may wish to establish an industry-consensus proposal with respect to low power.

If an industry-consensus position is to be reached, discussions and negotiations among all affected groups, including medical telemetry, must be held.

⁴ See Letter from HP's counsel to Mr. William F. Caton, Acting Secretary, Federal Communications Commission, PR Docket 92-235 (November 20, 1995).

Until then, ITA's assertion that "virtually all of the outstanding technical issues" in this proceeding are resolved will remain more goal than reality.

Respectfully submitted,

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February 7, 1997

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Comments on ITA Proposal of Hewlett-Packard Company was sent by hand and first-class mail, postage prepaid, this 7th day of February, 1997, to each of the following:

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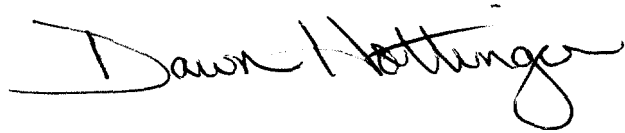
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